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 15 and the Putative Class

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 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

19	JOY NWABUEZE, individually and on	)	Case No. CV 09-01529 SI
20	behalf of all others similarly situated,)	
21	Plaintiff,	)	<u>STIPULATED REQUEST AND</u>
22	vs.	)	<u>[PROPOSED] ORDER TO</u>
23	AT&T INC., a Delaware corporation;	)	<u>MODIFY HEARING DATES AND</u>
24	PACIFIC BELL TELEPHONE COMPANY	)	<u>CONTINUE INITIAL CASE</u>
25	d/b/a AT&T CALIFORNIA, a California	)	<u>MANAGEMENT CONFERENCE</u>
26	corporation; AT&T SERVICES, INC., a	)	<u>SCHEDULED FOR</u>
27	Delaware corporation; AT&T OPERATIONS,	)	<u>NOVEMBER 20, 2009 (Local</u>
28	INC., a Delaware corporation; and DOES 1	)	<u>Rule 6-2)</u>
	through 21,	)	Judge: Hon. Susan Illston
	Defendants.	)	Complaint: April 7, 2009
		)	First Amended Complaint: Aug. 13, 2009

1 WHEREAS, Plaintiff Joy Nwabueze (“Plaintiff”) caused the Summons and
2 Complaint in this action to be served on Defendant Pacific Bell Telephone Company on
3 April 29, 2009, and Defendant AT&T Inc. on April 30, 2009;

4 WHEREAS, Defendants’ response to the Complaint was initially due within twenty
5 days after service of the Summons, or on May 19, 2009 for Pacific Bell Telephone
6 Company and May 20, 2009 for AT&T Inc.;

7 WHEREAS, Defendants Pacific Bell Telephone Company and AT&T Inc.
8 previously requested four extensions of time to respond to the Complaint, and Plaintiff
9 stipulated to those requests;

10 WHEREAS, Plaintiff filed a First Amended Complaint on August 13, 2009, which
11 added new claims and named two new Defendants, AT&T Services, Inc. and AT&T
12 Operations, Inc., in addition to Defendants Pacific Bell Telephone Company and AT&T
13 Inc.;

14 WHEREAS, following the filing of the First Amended Complaint, Defendants
15 requested an extension of time until September 18, 2009 to respond to the First Amended
16 Complaint, and Plaintiff stipulated to that request;

17 WHEREAS, on September 18, 2009 Defendants Pacific Bell Telephone Company,
18 AT&T Services, Inc., and AT&T Operations, Inc. responded to the First Amended
19 Complaint by filing a Motion To Dismiss Plaintiff’s First Amended Complaint pursuant to
20 Federal Rule of Civil Procedure 12(b)(6) (Dkt. 44) (the “12(b)(6) Motion”);

21 WHEREAS, on September 18, 2009, Defendant AT&T Inc. responded to the First
22 Amended Complaint by filing a Motion To Dismiss Plaintiff’s Complaint for Lack of
23 Personal Jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2), Or, in the
24 Alternative, To Join the Motion To Dismiss of Defendants Pacific Bell Telephone
25 Company, AT&T Services, Inc., and AT&T Operations, Inc. pursuant to Federal Rule of
26 Civil Procedure 12(b)(6) (Dkt. 48) (the “12(b)(2) Motion”);

27 WHEREAS, the hearing on Defendants’ motions to dismiss the First Amended
28 Complaint is currently set for October 30, 2009, at 9:00 a.m.;

1 WHEREAS, the initial case management conference in this case is currently set for
2 November 20, 2009, at 2:30 p.m.;

3 WHEREAS, in order to permit plaintiff's counsel adequate time to address the
4 issues raised in the 12(b)(6) Motion, Defendants have agreed to stipulate to Plaintiff's
5 request for an extension of time to oppose Defendants' motions to dismiss the First
6 Amended Complaint, subject to the Court's approval of a modified briefing and hearing
7 schedule set forth below;

8 WHEREAS, given that Defendants' 12(b)(6) Motion could result in dismissal of the
9 case in its entirety, the parties have further agreed that, subject to the Court's approval,
10 postponement of further briefing and continuing the hearing on Defendant AT&T Inc.'s
11 12(b)(2) Motion to a date following this Court's decision on Defendants' 12(b)(6) Motion
12 would avoid potentially unnecessary proceedings, and allow the Court time to consider this
13 case in a more efficient and informed manner;

14 WHEREAS, given that Defendants' 12(b)(6) Motion could result in dismissal of the
15 case in its entirety, the parties have agreed that, subject to the Court's approval, continuance
16 of the initial case management conference until after the Court rules on both of Defendants'
17 motions to dismiss the First Amended Complaint would allow the parties to comply with
18 their obligations under Rule 26, Civil L.R. 16, and ADR L.R. 3, and the Court to consider
19 this case, in a more efficient and informed manner;

20 NOW THEREFORE, Plaintiff and Defendants through their counsel of record
21 stipulate to the following:

22 IT IS HEREBY STIPULATED that, subject to the Court's approval, the schedule
23 for this case should be modified as follows:

24 1. Defendants' 12(b)(6) Motion.

25 a. Plaintiff shall file and serve any opposition to Defendants' 12(b)(6)
26 Motion on or before October 19, 2009;

27 b. Defendants Pacific Bell Telephone Company, AT&T Services, Inc.,
28 and AT&T Operations, Inc. shall file and serve any reply

memorandum in support of the 12(b)(6) Motion on or before

November 6, 2009; and

c. the hearing on Defendants' 12(b)(6) Motion, which is currently scheduled for October 30, 2009, at 9:00 a.m., shall be continued to November 20, 2009, at 9:00 a.m.;

2. AT&T Inc.'s 12(b)(2) Motion. Further briefing and a hearing on Defendant AT&T Inc.'s 12(b)(2) Motion should be postponed until after the Court rules on Defendants' 12(b)(6) Motion;
3. Case Management Conference. The initial case management conference scheduled for November 20, 2009 at 2:30 p.m., should be continued until after the Court has ruled on Defendants' motions to dismiss the First Amended Complaint.

Dated: October 5, 2009.

PILLSBURY WINTHROP SHAW PITTMAN LLP
ROXANE A. POLIDORA
DOUGLAS R. TRIBBLE
CONNIE J. WOLFE

By /s/ Roxane A. Polidora

Roxane A. Polidora

Attorneys for Defendants
PACIFIC BELL TELEPHONE
COMPANY, AT&T SERVICES, INC.,
AT&T OPERATIONS, INC.,
and AT&T INC.

1 Dated: October 5, 2009

2 KELLER GROVER, LLP
3 JEFFREY F. KELLER

4 THE JACOBS LAW FIRM, CHTD.
5 JOHN G. JACOBS
6 BRYAN G. KOLTON

7 DAVID SCHACHMAN & ASSOC., PC
8 DAVID SCHACHMAN

9 By /s/ John G. Jacobs

10 John G. Jacobs
11 Attorneys for Plaintiff JOY NWABUEZE
12 and the Putative Class

13 **ATTESTATION OF SIGNATURE**
14 **(N.D. Cal. General Order 45)**

15 I, Roxane A. Polidora, hereby attest that concurrence in the filing of the following
16 document: **STIPULATED REQUEST AND [PROPOSED] ORDER TO MODIFY**
17 **HEARING DATES AND CONTINUE INITIAL CASE MANAGEMENT**
18 **CONFERENCE SCHEDULED FOR NOVEMBER 20, 2009 (Local Rule 6-2)** has been
19 obtained from all of the signatories.

20 Dated: October 5, 2009

21 /s/ Roxane A. Polidora

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ORDER

2 PURSUANT TO STIPULATION, IT IS SO ORDERED. Plaintiff shall file and
3 serve her opposition to Defendants' 12(b)(6) Motion on or before October 19, 2009;
4 Defendants Pacific Bell Telephone Company, AT&T Services, Inc., and AT&T Operations,
5 Inc. shall file and serve their reply memorandum in support of the 12(b)(6) Motion on or
6 before November 6, 2009, at 9:00 a.m.; and the hearing on Defendants' 12(b)(6) Motion,
7 which is currently scheduled for October 30, 2009, at 9:00 a.m., shall be continued to
8 November 20, 2009. Further briefing and the hearing on Defendant AT&T Inc.'s 12(b)(2)
9 Motion To Dismiss Plaintiff's First Amended Complaint shall be postponed until after the
10 Court rules on Defendants' 12(b)(6) Motion To Dismiss Plaintiff's First Amended
11 Complaint. The initial case management conference scheduled for November 20, 2009, at
12 2:30 p.m., is continued until after the Court rules on Defendants' motions to dismiss the
13 First Amended Complaint.

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15 Dated: _____

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SUSAN Y. ILLSTON
United States District Judge

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The case management conference is continued to 1/22/10
20 @ 2:30 p.m.

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CERTIFICATE OF SERVICE

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I hereby certify that on October 5, 2009, a true and correct copy of **STIPULATED
REQUEST AND [PROPOSED] ORDER TO MODIFY HEARING DATES AND
CONTINUE INITIAL CASE MANAGEMENT CONFERENCE SCHEDULED FOR
NOVEMBER 20, 2009 (Local Rule 6-2)** was electronically transmitted to the Clerk of the
Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all
ECF registrants in this case.

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Rosita Fe J. Quimpo-Herbilla

Rosita Fe J. Quimpo-Herbilla